

No. 17-10448

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**In The United States Court Of Appeals  
For The Ninth Circuit**

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOSEPH M. ARPAIO,

Defendant-Appellant.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA, No. 2:16-CR-01012

**STATEMENT OF THE UNITED STATES**

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The government provides the following statement in response to the order issued by the Court on November 22, 2017. The government has entered an appearance in this case and intends to represent the government's interests in this appeal. The government does not intend to defend the district court's order from October 19, 2017,\* in which the court denied Defendant-Appellant Joseph M. Arpaio's motion to vacate; instead, the government intends to argue, as it did in the district court, that the motion to vacate should have been granted. We take no position on whether the Court should appoint counsel to make any additional arguments.

Respectfully submitted,

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\* This Court's order refers to a district court order entered on November 19, 2017, but there is no district court order from that date. The government understands the Court's order to refer to the district court's order on October 19, 2017 denying Defendant's Motion for Vacatur and Dismissal with Prejudice insofar as it seeks relief beyond dismissal with prejudice. *See* Dkt. entry No. 251.

**CERTIFICATE OF SERVICE**

I, James I. Pearce, Attorney in the Appellate Section of the Criminal Division at the U.S. Department of Justice, hereby certify that on December 13, 2017, an electronic copy of this statement was served by notice of electronic filing via this Court's ECF system upon opposing counsel.

s/ James I. Pearce